

THE HON'BLE SRI JUSTICE A.GOPAL REDDY

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WRIT PETITION No.2857 of 1995

DATED: 17-03-2006

Between:

Smt. R.Nalini . . .Petitioner

And

The Commissioner, MCH, Hyderabad

and another . . .Respondents

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WRIT PETITION No.2857 of 1995

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ORDER:

This writ petition is filed questioning the inaction on the part of the Municipal Corporation of Hyderabad in enforcing the Hyderabad Municipal Corporation Act and for further direction to hold an enquiry whether the second respondent commenced its construction work within one year and completed the same within three years as prescribed under law and for appropriate action in that regard.

According to the petitioner, her father executed a Will, dated 05-12-1989, bequeathing the property to his legal heirs including the petitioner. Her father died on 20-02-1992. Then, herself and other legal heirs succeeded to the property. Her father had no intention to sell the property to anybody. It is alleged by the second respondent-builder that her father agreed to sell the property to it for construction of residential flats in the disputed site, which was in the name of her father. It is stated that the second respondent filed O.S.No.1611 of 1994 before the learned II Additional Judge, City Civil Court, Hyderabad, against herself, her sisters and her mother, and the same is pending for filing written statement. She came to know that the second respondent got sanctioned a plan for construction of residential flats in the disputed site. Even assuming that the alleged plan was applied by her father, the same has not been revalidated by herself or other legal heirs. Hence, she filed the present writ petition.

On 14.03.2006, when the case was taken up for hearing, none appeared for both the parties. Therefore, the matter was adjourned to today. Even today, when the matter is called, none represents the petitioner or respondents in spite of posting the matter under the caption 'for dismissal'.

Having regard to the fact that the civil suit is already pending between the parties, it is always open for them to raise such objections and seek appropriate relief by way of counter-claim or institute any suit, if she has acquired any right under the Will. It appears that the jurisdiction of this Court is invoked to settle the scores between the petitioner and the second respondent.

The writ petition is accordingly dismissed. There shall be no order as to costs.

(A.GOPAL REDDY, J)

17th MARCH, 2006.

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